

# ***EXHIBIT “B”***

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MALIBU TEXTILES, INC.,

Plaintiff,

v.

CAROL ANDERSON, INC. and  
CABI, LLC,

Defendants.

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: Docket No. 07-cv-4780 (SAS)  
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**PLAINTIFF'S INITIAL DISCLOSURES PURSUANT TO FED. R. CIV. P. 26(a)**

Plaintiff Malibu Textiles, Inc. ("Malibu") hereby provides its disclosures pursuant to Rule 26(a) of the Federal Rules of Civil Procedure. Malibu reserves its right to supplement its disclosures as discovery progresses.

**Identities of Individuals Likely to Have Knowledge of Discoverable Facts**

Plaintiff is informed and believes that the following individuals likely have discoverable information:

<b><u>Name</u></b>	<b><u>Company Affiliation/Address</u></b>	<b><u>Expected Areas of Knowledge</u></b>
Richard Samuels	Malibu Textiles, Inc. 49 West 37th Street New York, NY 10018 (212) 354 – 6707 ( <i>contact only through counsel</i> )	<ul style="list-style-type: none"> <li>• Knowledge regarding creation of the copyrighted lace patterns at issue.</li> <li>• Knowledge regarding Malibu's business and damages.</li> </ul>
Mitchell Nadrich	Malibu Textiles, Inc. 110 East 9 <sup>th</sup> Street, Rm. B783 Los Angeles, CA 90079 (213) 891-1450 ( <i>contact only through counsel</i> )	<ul style="list-style-type: none"> <li>• Knowledge of meetings between Malibu and defendants' representatives where samples of Malibu's copyrighted lace patterns were shown to defendants' representatives.</li> <li>• Knowledge of defendants' purchases of samples and fabric incorporating Malibu's copyrighted lace patterns from Malibu.</li> </ul>

<u>Name</u>	<u>Company Affiliation/Address</u>	<u>Expected Areas of Knowledge</u>
Maria Cervantes	Malibu Textiles, Inc. 110 East 9 <sup>th</sup> Street, Rm. B783 Los Angeles, CA 90079 (213) 891-1450 (contact only through counsel)	<ul style="list-style-type: none"> <li>Knowledge of meetings between Malibu and defendants' representatives where samples of Malibu's copyrighted lace patterns were shown to defendants' representatives.</li> <li>Knowledge of defendants' purchases of samples and fabric incorporating Malibu's copyrighted lace patterns from Malibu.</li> </ul>
Joe Dickenson	Paris Lace 1500 Main Avenue Clifton, New Jersey 07011 (973) 478-9035	<ul style="list-style-type: none"> <li>Knowledge regarding creation of the 1967/2120 Pattern.</li> </ul>
Bob Javelin	Metritek Corp. 6100 Park Commerce Blvd Boca Raton, FL 33487	<ul style="list-style-type: none"> <li>Knowledge regarding creation of the 2479/2351 Pattern.</li> </ul>
Corporate representative(s)	Carol Anderson, Inc. and CABI, LLC	<ul style="list-style-type: none"> <li>Knowledge of meetings between Malibu and defendants' representatives where Malibu's copyrighted lace patterns were shown to defendants' representatives.</li> <li>Knowledge of purchases of samples and fabric incorporating Malibu's copyrighted lace patterns from Malibu.</li> <li>Knowledge regarding where Defendants acquired the infringing lace that they have used to manufacture clothing</li> <li>Knowledge regarding Defendants' affirmative defense of independent creation.</li> <li>Knowledge regarding the amount of Defendants' sales of clothing that infringes upon Malibu's copyrighted lace patterns.</li> <li>Knowledge regarding business relationship between the two entities.</li> </ul>
Carol Anderson	Carol Anderson, Inc. and CABI, LLC	<ul style="list-style-type: none"> <li>Knowledge of meetings between Malibu and defendants' representatives where Malibu's copyrighted lace patterns were shown to defendants' representatives.</li> </ul>
Charlotte Hearst	Carol Anderson, Inc. and CABI, LLC	<ul style="list-style-type: none"> <li>Knowledge of meetings between Malibu and defendants' representatives where Malibu's copyrighted lace patterns were shown to defendants' representatives.</li> </ul>

**Documents and Things in the Possession of Counsel or the Party**

Plaintiff identifies the following categories of documents and things in its possession that it may use to support its claims:

- Copyright registrations for the copyrighted works at issue.
- Correspondence between counsel for Malibu and defendants regarding Malibu's demands that Defendants cease and desist selling clothing that infringes upon Malibu's copyrighted lace patterns.
- Samples of Malibu's copyrighted lace patterns.
- An article of clothing manufactured by Defendants that infringes upon Malibu's copyrighted lace patterns.

**Statement of Basis for Damages**

Malibu refers Defendants to the Complaint for an itemization of the types of damages suffered. As Malibu has not yet obtained discovery of Defendants' financial and other records, Malibu cannot make a reasonable estimate of the damages sustained or infringing profits they may recover as a result of Defendants' actions. Malibu further reserves its right to select whether it will seek actual or statutory damages.

**Insurance Agreements in Force**

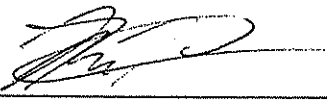
Not applicable.

**Identities of Experts and their Opinions**

At this time, Plaintiff has not yet retained an expert, but reserves its right to do so as discovery progresses.

Dated: New York, New York  
August 3, 2007

COWAN, DEBAETS, ABRAHAMS & SHEPPARD LLP

By:   
Nancy E. Wolff  
Matthew A. Kaplan

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New York, New York 10010  
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Attorneys for Plaintiff Malibu Textiles, Inc.

TO: Harlan M. Lazarus, Esq.  
Lazarus & Lazarus, P.C.  
240 Madison Avenue  
New York City, New York 10016

**PROOF OF SERVICE**

Deborah Mays, being duly sworn, deposes and states as follows:

1. The statements made herein are true of my own personal knowledge. If called upon to testify, I could and would testify competently thereto.
2. I am employed in the County of New York, State of New York. I am over the age of 18 and not a party to this action; my business address is 41 Madison Avenue, 34th Floor, New York, New York 10010.
3. On August 3, 2007, I served via U.S. Mail and email the following:

LETTER TO HARLAN M. LAZARUS, ESQ, and  
PLAINTIFF'S INITIAL DISCLOSURES, to

Harlan M. Lazarus, Esq.  
Lazarus & Lazarus, P.C.  
240 Madison Avenue  
New York City, NY 10016  
hmlaw@att.net

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at New York, New York on this 3rd day of August, 2007.

  
DEBORAH MAYS